

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ROCKLAND

-----X  
GERARDO A. ARELLANO SILVA,

Index No.: 033104/2025

Plaintiff,

-against-

HOME DEPOT U.S.A., INC. d/b/a THE HOME DEPOT,  
~~JOHN/JANE DOES 1-10~~ (fictitious names representing  
unknown individuals) and/or XYZ CORPS. 1-10  
(fictitious names representing unknown corporations,  
partnerships and/or Limited Liability Companies or  
other types of legal entities),

Defendants.  
-----X

**NOTICE OF ELECTRONIC FILING**  
**(Mandatory Case)**  
(Uniform Rule §202.5-bb)

**You have received this Notice because:**

1. The Plaintiff/Petitioner, whose name is listed above, has filed this case using the New York State Courts E-Filing system ("NYSCEF"), and
  2. You are a Defendant/Respondent (a party) in this case.
- **If you are represented by an attorney:**  
Give this Notice to your attorney. (Attorneys: see "information for Attorneys" page 2).
  - **If you are not represented by an attorney:**  
You will be served with all documents in paper and you must serve and file your documents in paper, unless you choose to participate in e-filing.

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- Contact the Clerk's Office or Help Center at the court where the case was filed. Court contact information can be found at [www.nycourts.gov](http://www.nycourts.gov)

To find legal information to help you represent yourself, visit [www.nycourthelp.gov](http://www.nycourthelp.gov)

**Information for Attorneys**

An attorney representing a party who is served with this Notice must either consent or decline consent to electronic filing and service through NYSCEF for this case.

Attorneys registered with NYSCEF may record their consent electronically in the manner provided at the NYSCEF site. Attorneys not registered with NYSCEF but intending to participate in e-filing must first create a NYSCEF account and obtain a user ID and password prior to recording their consent by going to [www.nycourts.gov/efile](http://www.nycourts.gov/efile).

Attorneys declining to consent must file with the court and serve on all parties of record a declination of consent.

For additional information about electronic filing and to create a NYSCEF account, visit the NYSCEF website at [www.nycourts.gov/efile](http://www.nycourts.gov/efile) or contact the NYSCEF Resource Center (phone: 646-386-3033; e-mail: [nyscef@nycourts.gov](mailto:nyscef@nycourts.gov)).

Dated: May 13, 2025

Kate Carballo, Esq.

Name

KANTROWITZ, GOLDHAMER  
& GRAIFMAN, P.C.

Firm Name

135 Chestnut Ridge Road, Suite 200

Montvale, New Jersey 07645

Address

(201) 391-7000

Phone

kcarballo@kgglaw.com

Email

TO: HOME DEPOT USA., INC. d/b/a  
THE HOME DEPOT  
Corporation Service Company  
80 State Street  
Albany, New York 12207

HOME DEPOT U.S.A., INC. d/b/a THE HOME DEPOT  
2455 Paces Ferry Road  
Atlanta, Georgia 30339

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INDEX NO. 033104/2025

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SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ROCKLAND

-----X  
GERARDO A. ARELLANO SILVA,

Plaintiff,

-against-

HOME DEPOT U.S.A., INC. d/b/a THE HOME DEPOT,  
JOHN/JANE DOES 1-10 (fictitious names representing  
unknown individuals) and/or XYZ CORPS. 1-10  
(fictitious names representing unknown corporations,  
partnerships and/or Limited Liability Companies or  
other types of legal entities),

Defendants.  
-----X

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**SUMMONS**

Plaintiffs designate Rockland  
County as the place of trial.

The basis of venue is:  
Plaintiffs' residence

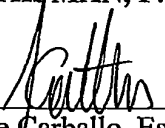
Plaintiff resides at:  
49 Western Hwy  
West Nyack, NY 10994

To the above-named Defendant:

**YOU ARE HEREBY SUMMONED** to Answer the Complaint in this action and to serve a copy of your Answer, or, if the Complaint is not served with this Summons, to serve a Notice of Appearance, on the Plaintiffs' Attorneys within 20 (twenty) days after the service of this Summons, exclusive of the day of service (or within 30 days after the service is complete if this Summons is not personally delivered to you within the State of New York); and in case of your failure to appear or Answer, Judgment will be taken against you by default for the relief demanded in the Complaint.

DATED: May 13, 2025  
Montvale, New Jersey

Yours, etc.  
**KANTROWITZ, GOLDHAMER &  
GRAIFMAN, P.C.**

  
\_\_\_\_\_  
Kate Carballo, Esq.  
*Attorneys for Plaintiff*  
135 Chestnut Ridge Road, Suite 200  
Montvale, New Jersey 07645  
Telephone: (201) 391-7000

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TO: HOME DEPOT U.S.A., INC. d/b/a THE HOME DEPOT  
Corporation Service Company  
80 State Street  
Albany, New York 12207

HOME DEPOT U.S.A., INC. d/b/a THE HOME DEPOT  
2455 Paces Ferry Road  
Atlanta, Georgia 30339

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SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ROCKLAND

-----X  
GERARDO A. ARELLANO SILVA,

Plaintiff,

Index No.:

**VERIFIED COMPLAINT**

-against-

HOME DEPOT U.S.A., INC. d/b/a THE HOME DEPOT,  
JOHN/JANE DOES 1-10 (fictitious names representing  
unknown individuals) and/or XYZ CORPS. 1-10  
(fictitious names representing unknown corporations,  
partnerships and/or Limited Liability Companies or  
other types of legal entities),

Defendants.  
-----X

The Plaintiff, GERARDO A. ARELLANO SILVA, residing at 49 Western Highway,  
Hamlet of West Nyack, Town of Clarkstown, County of Rockland, State of New York, by and  
through his attorneys, KANTROWITZ, GOLDHAMER & GRAIFMAN, P.C., complaining of the  
Defendant, respectfully allege, upon information and belief, that:

**AS AND FOR A FIRST CAUSE OF ACTION**

1. The Plaintiff, GERARDO A. ARELLANO SILVA, was and is a resident of the  
County of Rockland, State of New York.
2. At all times herein mentioned, Defendant HOME DEPOT U.S.A., INC. d/b/a  
THE HOME DEPOT was and is a foreign business corporation authorized to do business in the  
State of New York, duly existing under and by virtue of the laws of the State of New York.
3. At all times herein mentioned, Defendant HOME DEPOT U.S.A., INC. d/b/a  
THE HOME DEPOT owned, operated, leased, controlled, supervised, managed and/or

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maintained and/or repaired and/or responsible for and/or inspected the premises known as The Home Depot located at 2024 Palisades Center Drive in the Hamlet of West Nyack, Town of Clarkstown, County of Rockland, State of New York.

4. On or about March 14, 2024, the Plaintiff GERARDO A. ARELLANO SILVA was an invitee lawfully present on the premises located 2024 Palisades Center Drive, Hamlet of West Nyack, Town of Clarkstown, County of Rockland, State of New York, known as The Home Depot, owned, operated, leased, controlled, supervised, managed and/or maintained and/or repaired, and/or responsible for and/or inspected by Defendant HOME DEPOT U.S.A., INC. d/b/a THE HOME DEPOT.

5. On or about March 14, 2024, the Plaintiff GERARDO A. ARELLANO SILVA was caused to fall and be precipitated to the ground, sustaining severe and permanent injuries thereby, due to a defective, unreasonably dangerous, hazardous, and unsafe condition of the floor on the aforesaid property.

6. The fall and severe injuries suffered by Plaintiff GERARDO A. ARELLANO SILVA were caused due to the carelessness, recklessness, and negligence of the Defendant, their agents, servants, and/or employees in the ownership, operation, control, inspection, maintenance, repair, lack of repair, supervision, lack of warning, and otherwise of the premises located at 2024 Palisades Center Drive, Hamlet of West Nyack, Town of Clarkstown, County of Rockland, State of New York.

7. As a direct and proximate result of the aforesaid carelessness, recklessness, and negligence of the Defendant HOME DEPOT U.S.A., INC. d/b/a THE HOME DEPOT, the Plaintiff GERARDO A. ARELLANO SILVA was injured in and about his mind and/or body;

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was and will in the future be caused great pain and suffering to his mind and body; was and will in the future be obliged to expend great sums of money for medical aid and attention; has sustained economic loss; and was and will in the future be unable to attend his usual pursuits and occupations and was further damaged.

8. Said occurrence and resulting injuries to the Plaintiff GERARDO A. ARELLANO SILVA, happened through no fault or lack of care on the Plaintiff's part, nor did he contribute thereto.

**WHEREFORE**, the Plaintiff GERARDO A. ARELLANO SILVA demands judgment against the Defendant HOME DEPOT U.S.A., INC. d/b/a THE HOME DEPOT, in a sum greater than the jurisdictional limits of all lower courts, together with the costs, disbursements, and interest of this action, as well as such other, further, and different relief as to this Court seems just, proper and equitable.

**AS AND FOR SECOND CAUSE OF ACTION**

9. Plaintiff, GERARDO A. ARELLANO SILVA, repeats each and every allegation of the First Cause of Action of this Complaint as if set forth at length herein verbatim.

10. At the aforesaid time and place, the Defendant(s) JOHN/JANE DOES 1-10 was/were unknown person or persons whose actions caused and/or contributed, directly or indirectly, to the incident herein and the injuries and damages suffered by the Plaintiff GERARDO A. ARELLANO SILVA.

11. At the aforesaid time and place, the Defendant(s) XYZ CORPS. 1-10 was/were an unknown business, corporation, entity and/or independent contractors, whose agents, servants and/or employee's actions caused and/or contributed, directly or indirectly, to the incident herein

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and the injuries and damages suffered by the Plaintiff, GERARDO A. ARELLANO SILVA.

12. As a direct and proximate result of the aforesaid carelessness, recklessness, and negligence of the Defendants JOHN/JANE DOES 1-10 and/or XYZ CORPS. 1-10, the Plaintiff GERARDO A. ARELLANO SILVA was caused to sustain severe personal injuries.

13. As a direct and proximate result of the aforesaid carelessness, recklessness, and negligence of the Defendants JOHN/JANE DOES 1-10 and/or XYZ CORPS. 1-10, the Plaintiff GERARDO A. ARELLANO SILVA was injured in and about his mind and/or body; was and will in the future be caused great pain and suffering to his mind and body; was and will in the future be obliged to expend great sums of money for medical aid and attention; has sustained economic loss; and was and will in the future be unable to attend his usual pursuits and occupations and was further damaged.

14. Said occurrence and resulting injuries to the Plaintiff, GERARDO A. ARELLANO SILVA, happened through no fault or lack of care on the Plaintiff's part, nor did he contribute thereto.

**WHEREFORE**, the Plaintiff GERARDO A. ARELLANO SILVA demands judgment against the Defendants JOHN/JANE DOES 1-10 and/or XYZ CORPS. 1-10 in a sum greater than the jurisdictional limits of all lower courts, together with the costs, disbursements, and interest of this action, as well as such other, further, and different relief as to this Court seems just, proper and equitable.

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DATED: May 13, 2025  
Montvale, New Jersey

Yours, etc.

**KANTROWITZ, GOLDHAMER &  
GRAIFMAN, P.C.**



KATE CARBALLO, ESQ

Attorneys for Plaintiff

135 Chestnut Ridge Road, Suite 200

Montvale, New Jersey 07645

Telephone: (201) 391-7000

TO: HOME DEPOT U.S.A., INC. d/b/a THE HOME DEPOT  
Corporation Service Company  
80 State Street  
Albany, New York 12207

HOME DEPOT U.S.A., INC. d/b/a THE HOME DEPOT  
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**ATTORNEY VERIFICATION**

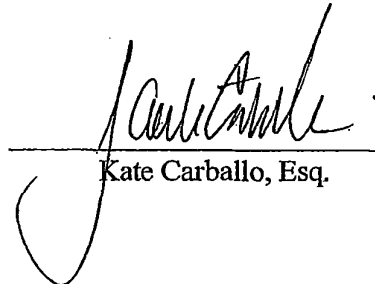
STATE OF NEW JERSEY                    )  
   ) ss.:  
 COUNTY OF BERGEN                    )

I, KATE CARBALLO, the undersigned, am an attorney admitted to practice in the Courts of the State of New York and the State of New Jersey and verify that I am member of the law firm of KANTROWITZ GOLDHAMER & GRAIFMAN, P.C., the attorney of record for the Plaintiffs.

I have read the COMPLAINT, know the contents thereof and the same is true to my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters, I believe them to be true. My belief, as to those matters therein not stated upon knowledge, is based upon the following: records and documents contained in deponent's file and conversations had with the Plaintiff. The reason I make this verification instead of the Plaintiff is that the Plaintiff is not currently in the State wherein I maintain my offices.

I affirm under penalties of perjury that the foregoing statements are true.

Dated:           May 13, 2025  
                   Montvale, New Jersey 07645

  
 \_\_\_\_\_  
 Kate Carballo, Esq.

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other types of legal entities),

Defendants.

**SUMMONS & VERIFIED COMPLAINT**

**KANTROWITZ, GOLDHAMER & GRAIFMAN, P.C.**

Attorneys for Plaintiff

GERARDO A. ARELLANO SILVA  
135 Chestnut Ridge Road, Suite 200  
Montvale, New Jersey 07645  
(201) 391-7000

Pursuant to 22 NYCRR 130-1.1, the undersigned attorney certifies that upon information and belief, and reasonable inquiry, the contentions in the annexed document are not frivolous.

  
**KATE CARBALLO**

(Signature Rule 130-1.1-a)

**PLEASE TAKE NOTICE**

[ ] That the within is a (certified) true copy of a entered in the office of the clerk  
of the  
Notice of within Court on , 20  
Entry

[ ] That an Order of which the within is a true copy will be presented to the Hon.  
One of  
Notice of the Judges of the within named Court, at on , 20 , at m.  
Settlement

Dated: White Plains, New York